No. 275.

Br. of Atty. Gen. & Van Devanter

Office Supreme Court U.S.
FILED
JAMES H. MCKENNEY
Clerk

Filed Oct. 20, 1902.

In the Supreme Court of the United States.

OCTOBER TERM, 1902.

LONE WOLF, ETC., APPELLANTS,
v.
ETHAN ALLEN HITCHCOCK, ETC., APPELLEES. } No. 275.

ON APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

MOTION BY APPELLEES TO DISMISS APPEAL, AND BRIEF IN SUPPORT OF SAME.

3014

In the Supreme Court of the United States.

OCTOBER TERM, 1902.

LONE WOLF, ETC., APPELLANTS,
v.
ETHAN ALLEN HITCHCOCK, ETC., APPELLEES. } No. 275.

ON APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

MOTION BY APPELLEES TO DISMISS APPEAL.

The appellees in the above-entitled cause move the court to dismiss the pending appeal, for the reason that the only purpose of the suit is to enjoin the defendants, as public officers, from carrying into effect certain acts of Congress, and since the decree in the supreme court of the District of Columbia denying the injunction the status of the lands in controversy and the position of the parties in interest have so far changed that of the things sought to be enjoined nothing remains undone the doing of which can now be enjoined in this suit, all of which more fully appears by the affidavit hereto attached and the public documents therein referred to.

This motion is interposed by way of renewal of a like motion made in the court of appeals, but not

acted upon in that court (see last paragraph of Court of Appeals opinion, Record, p. 44).

WILLIAM C. POLLOCK,
ANTHONY C. CAMPBELL,
Assistant Attorneys.

WILLIS VAN DEVANTER,
Assistant Attorney-General.

In the Supreme Court of the United States.

OCTOBER TERM, 1902.

LONE WOLF, ETC., APPELLANTS,
v.
ETHAN ALLEN HITCHCOCK, ETC., APPELLEES.

No. 275.

ON APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS APPEAL.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Ethan A. Hitchcock, being first duly sworn, upon his oath deposes and says that he is the Secretary of the Interior, and, as such, is one of the appellees in the above-entitled cause: that prior to the rendition of the decree in the supreme court of the District of Columbia the work of carrying into effect the acts of Congress of June 6, 1900, January 4, 1901, and March 3, 1901, had been prosecuted to the extent named in the affidavit of this affiant set forth at pages 16 to 18, both inclusive, of the printed transcript of record herein: that since that time said work has been more fully performed, as follows: The allotments

in severalty to the Indians and to the religious and other societies under the act of Congress of June 6, 1900, have been completed and patents to the allottees have been signed, sealed, recorded, and transmitted to the Indian agent preparatory to their delivery; the selecting and setting aside of the required 480,000 acres for the use in common of the Indian tribes as grazing lands have been finally and accurately consummated; the work of subdividing, platting, and selling at public vendue the lots in the town sites of the new county seats into which the ceded territory was divided has been completed, the money arising from such sales has been covered into the Treasury of the United States preparatory to its disbursement in the manner directed in the act of Congress of March 3, 1901, and $66,401 19 thereof has been so disbursed; two additional land districts have been established by the President, to include the ceded territory; the Territory of Oklahoma has made selections, from the surplus ceded lands, of 97,732.53 acres, under its school and other educational grants, in conformity with the act of Congress of March 2, 1895, and these selections have been approved by the Secretary of the Interior; the President has put into a public forest reserve 57,120 acres of the surplus ceded lands under the acts of Congress of March 3, 1891, and June 4, 1897; and the President, by his proclamation of July 4, 1901, opened the remaining surplus ceded lands to settlement and entry under the homestead and town-site laws on August 6, 1901, since which time the entire body of surplus ceded lands, excepting small and isolated tracts of little value and of small aggregate acreage, has been regularly claimed and entered by homestead and town-site claimants, in conformity with the President's proclama-

tion and the homestead and town-site laws. Entries of these lands aggregating more than 7,500 acres have been carried to final proof, upon some of which patents have issued.

And affiant further says that he is reliably informed, and believes, that the purchasers of the town lots at the county seats of the new counties, and their grantees, and the homestead and town-site entrymen of other lands, numbering not less than 12,000, are now occupying the lots and lands purchased and entered by them, respectively, and have improved the same at an aggregate cost of millions of dollars; that the three county-seat towns in said ceded territory, viz, Anadarko, Lawton, and Hobart, have been duly incorporated under the laws of the Territory of Oklahoma, and now have organized and subsisting municipal governments; that there are two completely organized and subsisting county governments wholly within said ceded territory; that a third completely organized and subsisting county includes the remaining portion of said ceded territory, together with other lands, and the county seat of this county is within said ceded territory; that the three county seats within this ceded territory are respectively possessed of a population as follows: Anadarko, 2,800; Hobart, 2,300, and Lawton, 7,000; and that the town of Apache in said ceded territory, the site of which has been entered under the President's proclamation and the town-site laws, has a population of 550.

And affiant further says that he is reliably informed and believes that since the rendition of the decree of the supreme court of the District of Columbia herein 526 male adults of said Indians, being more than three-fourths of the total number of male adults in said tribes,

signed and presented to the Secretary of the Interior a petition which, omitting signatures, is as follows:

PETITION BY APACHE, KIOWA, AND COMANCHE INDIANS, OF KIOWA AGENCY, OKLAHOMA.

To the Honorable
The SECRETARY OF THE INTERIOR,
Washington, D. C.

(Through the U. S. Indian agent, Kiowa Agency, Oklahoma, and the office of Indian Affairs, Washington, D. C.)

SIR: We, the undersigned adult male members of the Apache, Kiowa, and Comanche tribes of Indians of Kiowa Agency, Oklahoma, do hereby make formal request and pray that the benefits in money provided for us by act of Congress approved June 6, 1900, may be paid to us in accordance with the terms and provisions of said act of June 6, 1900, and with as little delay as is consistent.

Thereafter, and in pursuance of said petition and of the provisions of article 6 of the Comanche, Kiowa, and Apache agreement, amended and ratified by said act of June 6, 1900, there was paid and distributed per capita to the members of said tribes upward of $130,000 of the $500,000 mentioned in said article 6 as part compensation for the lands ceded to the United States by said agreement; that the per capita payment and distribution so made was accepted by every adult member of the Comanche tribe, by every adult member of the Apache tribe, and, excepting 21 members thereof, by every adult member of the Kiowa tribe; that the circumstances surrounding the signing of said petition and the acceptance of said payment are described as follows in a communication to the Secretary of the

Interior from the Indian agent in charge of the Kiowa Agency:

> Five hundred and twenty-six male adults of Comanches, Apaches, and Kiowas signed petition for distribution of money under act of June sixth, nineteen hundred, being more than three-fourths male adults of the tribes. The petition was prepared at the request of Quanah Parker, chief of the Comanches, Ahpeatone, chief of the Kiowas, Apache John, chief of Apaches. Every person who signed it had explained to him by myself just how it originated and what it was intended to procure. Every adult of the Comanche tribe, every adult of the Apache, and every member of said tribes received the payment without any manner of protest, and all the adult Kiowas with the exception of twenty-one * * * accepted the payment. All who took the payment were fully informed with regard to the origin of the money they received.

As further evidencing the accomplishment of many of the matters here stated, there are hereto attached the President's proclamation opening the ceded country to settlement and entry, the notice of the establishment by the President of two additional land districts in the ceded territory, the order dividing the ceded country into counties and designating the places of the county seats of the new counties, the President's proclamation establishing the Wichita Forest Reserve, and the report of the Assistant Commissioner of the General Land Office, showing the subdivision, platting, and sale of the lots in the new county-seat town sites and the entry of the ceded lands under the homestead and town-site laws during the first sixty days following the opening. These public documents are taken from the appendix of the report of the Secretary of the Interior for the fiscal year ended June 30, 1901, pages 225 to 259. *It*

should be noticed that in addition to the Comanche, Kiowa, and Apache lands these public documents also relate to Wichita and Caddo lands not here in question.

ETHAN A. HITCHCOCK.

Subscribed in my presence and sworn to before me this 18th day of October, A. D. 1902.

[SEAL.] W. BERTRAND ACKER,
Notary Public.

OPENING OF KIOWA, COMANCHE, APACHE, AND WICHITA INDIAN LANDS IN THE TERRITORY OF OKLAHOMA.

By the President of the United States of America.

A PROCLAMATION.

Whereas, by an agreement between the Wichita and affiliated bands of Indians on the one part and certain commissioners of the United States on the other part, ratified by act of Congress approved March 2, 1895 (28 Stat., 876, 894), the said Indians ceded, conveyed, transferred, and relinquished, forever and absolutely, without any reservation whatever, unto the United States of America, all their claim, title, and interest of every kind and character in and to the lands embraced in the following-described tract of country now in the Territory of Oklahoma, to wit:

> Commencing at a point in the middle of the main channel of the Washita River, where the ninety-eighth meridian of west longitude crosses the same; thence up the middle of the main channel of said river to the line of 98° 40′ west longitude; thence on said line of 98° 40′ due north to the middle of the channel of the main Canadian River; thence down the middle of said main Canadian River to where it crosses the ninety-eighth meridian; thence due south to the place of beginning

And whereas, in pursuance of said act of Congress ratifying said agreement, allotments of land in severalty have been regularly made to each and every mem-

ber of said Wichita and affiliated bands of Indians, native and adopted, and the lands occupied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively:

And whereas, by an agreement between the Comanche, Kiowa, and Apache tribes of Indians on the one part and certain commissioners of the United States on the other part, amended and ratified by act of Congress approved June 6, 1900 (31 Stat., 672, 676), the said Indian tribes, subject to certain conditions which have been duly performed, ceded, conveyed, transferred, relinquished, and surrendered, forever and absolutely, without any reservation whatsoever, expressed or implied, unto the United States of America, all their claim, title, and interest of every kind and character in and to the lands embraced in the following-described tract of country now in the Territory of Oklahoma, to wit:

> Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich, thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south on said meridian line to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the

middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

And whereas, in pursuance of said act of Congress ratifying the agreement last named, allotments of land in severalty have been regularly made to each member of the said Comanche, Kiowa, and Apache tribes of Indians; the lands occupied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively; and the Secretary of the Interior, out of the lands ceded by the agreement last named, has regularly selected and set aside, for the use in common for said Comanche, Kiowa, and Apache tribes of Indians, four hundred and eighty thousand acres of grazing lands:

And whereas, in the act of Congress ratifying the said Wichita agreement, it is provided:

> That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by the statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar

and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres, may take sufficient land from said reservation to make his homestead entry not to exceed one hundred and sixty acres in all, said land to be taken upon the same conditions as are required of other entrymen: *Provided*, That said lands shall be opened to settlement within one year after said allotments are made to the Indians.

* * * * *

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing agreement.

And whereas in the act of Congress ratifying the said Comanche, Kiowa, and Apache agreement it is provided—

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and townsite laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he

may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any person who having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

* * * * *

That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act, and the mineral laws of the United States are hereby extended over said lands.

And whereas, by the act of Congress approved January 4, 1901 (31 Stat., 727), the Secretary of the Interior was authorized to extend, for a period not exceeding eight months from December 6, 1900, the time for making allotments to the Comanche, Kiowa, and Apache Indians, and opening to settlement the lands so ceded by them;

And whereas, in pursuance of the act of Congress approved March 3, 1901 (31 Stat., 1093), the Secretary of the Interior has regularly subdivided the lands so as aforesaid respectively ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians into counties, attaching portions thereof to adjoining counties in the Territory of Oklahoma, has regularly designated the place for the county seat of each new county, has regularly set aside and reserved at such county seat land for a town site to be disposed of in the manner provided by the act of Congress last named, and has regularly caused to be surveyed, subdivided, and platted the lands so set aside and reserved for disposition as such town sites;

And whereas, by the act of Congress last named, it is provided—

> The lands to be opened to settlement and entry under the acts of Congress ratifying said agreements, respectively, shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled thereto under the acts ratifying said agreements, re-

spectively; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

And whereas by the act of Congress last named the President was authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma, to include the land so ceded as aforesaid, which land districts and land offices have been established by an order of even date herewith;

And whereas all of the conditions required by law to be performed prior to the opening of said tracts of land to settlement and entry have been, as I hereby declare, duly performed;

Now, therefore, I, William McKinley, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known that all the lands so as aforesaid ceded by the Wichita and affiliated bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians, respectively, saving and excepting sections sixteen, thirty-six, thirteen, and thirty-three in each township, and all lands located or selected by the Territory of Oklahoma as indemnity school or educational lands, and saving and excepting all lands allotted in severalty to individual Indians, and saving and excepting all lands allotted and confirmed to religious societies and other organizations, and saving and excepting the lands selected and set aside as grazing lands for the use in common for said Comanche, Kiowa, and Apache tribes of Indians, and saving and excepting the lands set aside and reserved at each of said county seats for disposition as town sites, and saving and excepting the lands now

used, occupied, or set apart for military, agency, school, school farm, religious, Indian cemetery, wood reserve, forest reserve, or other public uses, will, on the 6th day of August, 1901, at 9 o'clock a. m., in the manner herein prescribed and not otherwise, be opened to entry and settlement and to disposition under the general provisions of the homestead and town-site laws of the United States.

Commencing at 9 o'clock a. m., Wednesday, July 10, 1901, and ending at 6 o'clock p. m., Friday, July 26, 1901, a registration will be had at the United States land offices at Elreno and Lawton, in the Territory of Oklahoma (the office at Lawton to occupy provisional quarters in the immediate vicinity of Fort Sill, Oklahoma Territory, until suitable quarters can be provided at Lawton), for the purpose of ascertaining what persons desire to enter, settle upon, and acquire title to any of said lands under the homestead law and of ascertaining their qualifications so to do. The registration at each office will be for both land districts, but at the time of registration each applicant will be required to elect and state in which district he desires to make entry. To obtain registration each applicant will be required to show himself duly qualified to make homestead entry of these lands under existing laws and to give the registering officer such appropriate matters of description and identity as will protect the applicant and the Government against any attempted impersonation. Registration can not be effected through the use of the mails or the employment of an agent, excepting that honorably discharged soldiers and sailors entitled to the benefits of section 2304 of the Revised Statutes of the United States, as amended by the act of Congress approved March 1, 1901 (31 Stat., 847), may

present their applications for registration and due proof of their qualifications through an agent of their own selection, but no person will be permitted to act as agent for more than one such soldier or sailor.

No person will be permitted to register more than once or in any other than his true name. Each applicant who shows himself duly qualified will be registered and given a nontransferable certificate to that effect, which will entitle him to go upon and examine the lands to be opened hereunder in the land district in which he elects to make his entry; but the only purpose for which he may go upon and examine said lands is that of enabling him later on, as herein provided, to understandingly select the lands for which he will make entry. No one will be permitted to make settlement upon any of said lands in advance of the opening herein provided for, and during the first sixty days following said opening no one but registered applicants will be permitted to make homestead settlements upon any of said lands, and then only in pursuance of a homestead entry duly allowed by the local land officers, or of a soldier's declaratory statement duly accepted by such officers.

The order in which, during the first sixty days following the opening, the registered applicants will be permitted to make homestead entry of the lands opened hereunder will be determined by drawings for both the El Reno and Lawton districts, publicly held at the United States land office at El Reno, Okla., commencing at 9 o'clock a. m. Monday, July 29, 1901, and continuing for such period as may be necessary to complete the same. The drawings will be had under the supervision and immediate observance of a committee of three persons whose integrity is such as to

make their control of the drawing a guaranty of its fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to these drawings the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card, which must be signed by the applicant, stating the land district in which he desires to make homestead entry, and giving such a description of the applicant as will enable the local land officers to thereafter identify him. This card will be at once sealed in a separate envelope, which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing for the land district in which the applicant desires to make entry. These envelopes will be separated according to land districts and will be carefully preserved and remain sealed until opened in the course of the drawing as herein provided.

When the registration is completed, all of these sealed envelopes will be brought together at the place of drawing and turned over to the committee in charge of the drawing, who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each inclosed card a number in the order in which the envelopes containing the same is drawn. While the drawings for the two districts will be separately conducted, they will occur as nearly at the same time as is practicable. The result of the drawing for each district will be certified by the committee to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice of the drawings, stating the name of each applicant and number assigned to him by the drawing, will be posted each day at the place of drawing, and each applicant will be notified of his number by a postal card mailed to him at the address, if any, given by him at the time of registration. Each applicant should, however, in his own behalf, employ such measures as will insure his obtaining prompt and accurate information of the order in which his application for homestead entry can be presented as fixed by the drawing. Applications for homestead entry of said lands during the first sixty days following the opening can be made only by registered applicants and in the order established by the drawing. At each land office, commencing Tuesday, August 6, 1901, at 9 o'clock a. m., the applications of those drawing numbers 1 to 125, inclusive, for that district must be presented and will be considered in their numerical order during the first day, and the applications of those drawing numbers 125 to 250, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing. To obtain the allowance of a homestead entry each applicant must personally present the certificate of registration theretofore issued to him, together with

a regular homestead application and the necessary accompanying proofs, and with the regular land-office fees, but an honorably discharged soldier or sailor may file his declaratory statement through the agent representing him at the registration. The production of the certificate of registration will be dispensed with only upon satisfactory proof of loss or destruction. If at the time of considering his regular application for entry it appear that any applicant is disqualified from making homestead entry of these lands his application will be rejected, notwithstanding his prior registration. If any applicant shall register more than once hereunder, or in any other than his true name, or shall transfer his resignation certificate, he will thereby lose all the benefits of the registration and drawing herein provided for, and will be precluded from entering or settling upon any of said lands during the first sixty days following said opening.

Because of the provision in the said act of Congress approved June 6, 1900, "that the settlers who located on that part of said lands called and known as the 'neutral strip' shall have preference right for thirty days on the lands upon which they have located and improved," the said lands in the "neutral strip" shall for the period of thirty days after said opening be subject to homestead entry and town-site entry only by those who have heretofore located upon and improved the same and who are accorded a preference right of entry for thirty days as aforesaid. Persons entitled to make entry under this preference right will be permitted to do so at any time during said period of thirty days following the opening without previous registration and without regard to the drawing herein provided for, and at the expiration of that period the lands in

said "neutral strip" for which no entry shall have been made will come under the general provisions of this proclamation.

The intended beneficiaries of the provision in the said acts of Congress, approved, respectively, March 2, 1895, and June 6, 1900, which authorizes a qualified entryman having lands adjoining the ceded lands, whose original entry embraced less than 160 acres, to enter so much of the ceded lands as will make his homestead entry contain in the aggregate not exceeding 160 acres, may obtain such an extension of his existing entry, without previous registration and without regard to the drawing herein provided for, only by making appropriate application, accompanied by the necessary proofs, at the proper new land office, at some time prior to the opening herein provided for.

Any person or persons desiring to found, or to suggest establishing, a town site upon any of said ceded lands at any point not in the near vicinity of either of the county seats therein heretofore selected and designated as aforesaid, may, at any time before the opening herein provided for, file in the proper local land office a written application to that effect, describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendation in the premises. Such Commissioner, if he believes the public interests will be subserved thereby, will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition or any portion thereof from homestead entry and settlement and directing that the same be

held for the time being for town-site settlement, entry, and disposition only. In such event the lands so withheld from homestead entry and settlement will, at the time of said opening and not before, become subject to settlement, entry, and disposition under the general town-site laws of the United States. None of said ceded lands will be subject to settlement, entry, or disposition under such general town-site laws except in the manner herein prescribed until after the expiration of sixty days from the time of said opening.

Attention is hereby especially called to the fact that under the special provisions of the said act of Congress approved March 3, 1901, the town sites selected and designated at the county seats of the new counties into which said lands have been formed can not be disposed of under the general town-site laws of the United States, and can only be disposed of in the special manner provided in said act of Congress, which declares:

> The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior, into appropriate lots, blocks, streets, alleys, and sites for parks or public buildings, so as to make a town site thereof: *Provided*, That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto.

All persons are especially admonished that under the said act of Congress approved March 3, 1901, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said ceded lands except in the manner prescribed in this proclamation until after the

expiration of sixty days from the time when the same are opened to settlement and entry. After the expiration of the said period of sixty days, but not before, any of said lands remaining undisposed of may be settled upon, occupied, and entered under the general provisions of the homestead and town-site laws of the United States in like manner as if the manner of effecting such settlement, occupancy, and entry had not been prescribed herein in obedience to law.

It appearing that there are fences around the pastures into which, for convenience, portions of the ceded lands have heretofore been divided, and that these fences are of considerable value and are still the property of the Indian tribes ceding said lands to the United States, all persons going upon, examining, entering, or settling upon any of said lands are cautioned to respect such fences as the property of the Indians, and not to destroy, appropriate, or carry away the same, but to leave them undisturbed, so that they may be seasonably removed and preserved for the benefit of the Indians.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourth day of July, in the year of our Lord one thousand nine hundred and one, and of the independence of the United States the one hundred and twenty-sixth.

[SEAL.] WILLIAM MCKINLEY.

By the President:

DAVID J. HILL,

Acting Secretary of State.

NOTICE OF THE ESTABLISHMENT OF TWO ADDITIONAL LAND DISTRICTS AND CHANGE OF BOUNDARIES OF THE OKLAHOMA AND KINGFISHER LAND DISTRICTS, IN THE TERRITORY OF OKLAHOMA.

Notice is hereby given that pursuant to the terms of section 3 of the act of Congress approved March 3, 1901, entitled "An act to supplement existing laws relating to the disposition of land, and so forth," the President of the United States has directed the establishment of the following-named land districts and the location of the offices of said districts at the points named:

FIRST.—*The El Reno land district.*

Shall embrace all that portion of the Territory of Oklahoma beginning at the point of intersection of the first standard parallel north of the Indian meridian with the ninety-eighth degree of longitude west from Greenwich; running thence north on said ninety-eighth degree of west longitude to its intersection with the center line of the main channel of the Canadian River; thence down said river, following the center line of the main channel thereof, to the range line between ranges 6 and 7 west; thence north on said range line between ranges 6 and 7 west to the corner common to townships 13 and 14 north, ranges 6 and 7 west; thence west on the township line between townships 13 and 14 north to its intersection with the center line of the main channel of the Canadian River; thence up said river, following the center line of the main channel thereof, to its intersection with the western boundary line of the Wichita Indian Reservation; thence south on said western boundary line to its intersection with the north boundary line of the Kiowa, Comanche, and Apache Indian Reservation; thence west on said

boundary line to its intersection with the center line of the main channel of the North Fork of the Red River; thence down said river, following the center line of the main channel thereof, to its intersection with the first standard parallel north; thence east on said first standard parallel north to the place of beginning, and the location of the land office of said district shall be at El Reno, in Canadian County, Okla.

SECOND.—*The Lawton land district.*

Shall embrace all that portion of the Territory of Oklahoma beginning at the point of intersection of the first standard parallel north of the Indian meridian with the ninety-eighth degree of longitude west from Greenwich, running thence west on said first standard parallel north to its intersection with the center line of the main channel of the North Fork of the Red River; thence down said river, following the center line of the main channel thereof, to the center line of the main channel of Red River; thence down said river, following the center line of the main channel thereof, to its intersection with the ninety-eighth degree of longitude west from Greenwich; thence north on said ninety-eighth degree of west longitude to the place of beginning; and the location of the land office of said district shall be at Lawton, in Comanche County, Okla.

THIRD.—*Change of boundaries of Oklahoma and Kingfisher districts.*

It is hereby ordered, pursuant to section 2253, Revised Statutes United States, that the following described land be detached from the Oklahoma City district and added to the Elreno district:

Beginning at the point where the ninety-eighth

meridian of west longitude intersects the main channel of the Canadian River; thence following said channel southeastwardly to the point where the range line between ranges 6 and 7 west of the Indian meridian intersects said channel; thence with said range line north to the third standard parallel north; thence along said parallel to the standard corner to townships 13 north, ranges 6 and 7 west; thence with the range line between ranges 6 and 7 west to the township corner to townships 13 and 14 north, ranges 6 and 7 west; thence westwardly with the township line between townships 13 and 14 north to its intersection with the west boundary of the Wichita Indian Reservation; thence southwardly along said west boundary to its intersection with the north boundary of the Kiowa, Comanche, and Apache Indian Reservation; thence eastwardly along said north boundary to its intersection with the ninety-eighth meridian west longitude; thence along said ninety-eighth meridian to the place of beginning.

It is further hereby ordered that the following-described land embraced in the Kingfisher land district be detached from said district and added to the Elreno land district:

Beginning at a point where the township line between townships 13 and 14 north, range 13 west of the Indian meridian, intersects the main channel of the Canadian River; thence following said channel northwestwardly to its intersection with the west boundary of the Wichita Indian Reservation; thence south with said west boundary of the Wichita Indian Reservation to its intersection with the township line between townships 13 and 14 north; thence eastwardly along said township line to the place of beginning.

Given under my hand at the city of Washington this 4th day of July, A. D. 1901.

By order of the President:

BINGER HERMANN,
Commissioner of the General Land Office.

ORDER ESTABLISHING COUNTIES AND COUNTY SEATS.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 24, 1901.

Whereas, under agreements ratified by the acts of March 2, 1895 (28 Stat., 895), and June 6, 1900 (31 Stat., 676), certain lands in the Territory of Oklahoma were ceded to the United States by the Wichita and affiliated bands of Indians, and the Kiowa, Comanche, and Apache tribes of Indians, respectively; and whereas, by the act of March 3, 1901 (31 Stat., 1093), it is made the duty of the Secretary of the Interior, before the time for opening them to settlement or entry, to subdivide said lands into such number of counties as will for the time being best subserve the public interests, and to designate the place for the county seat of each county, and to set aside and reserve, at such county seat, for disposition as therein provided, 320 acres of land: *Provided, however*, That the Secretary of the Interior may attach any part of said lands to any adjoining county in said Territory—

Now, therefore, I, Ethan Allen Hitchcock, Secretary of the Interior, in compliance with the duty imposed upon me by the act last above mentioned, do hereby subdivide said lands into three counties and fix and establish their boundaries as follows:

The boundaries of the first of said counties, hereby named Caddo County:

Beginning at the point of intersection of the first

standard parallel north of the Indian base line with the ninety-eighth degree of longitude west from Greenwich, running thence west along said first standard parallel north to the southwest corner of township five north, range thirteen west; thence north on the range line between ranges thirteen and fourteen west, and its offsets, to its intersection with the third standard parallel north; thence east along said third standard parallel north to the center of the main channel of the Canadian River between section two, township twelve north, and section thirty-five, township thirteen north, in range eleven west; thence down said Canadian River, following the center line of the main channel thereof, to the range line between ranges ten and eleven west; thence south on said range line between ranges ten and eleven west to the corner common to townships ten and eleven north, ranges ten and eleven west; thence east on the township line between townships ten and eleven north to the center of the main channel of the Canadian River; thence down said Canadian River, following the center line of the main channel thereof, to the ninety-eighth degree of longitude west from Greenwich; thence south on said ninety-eighth degree of west longitude to the place of beginning.

The boundaries of the second county, hereby named Comanche County:

Beginning at the point of intersection of the first standard parallel north of the Indian base line with the ninety-eighth degree of longitude west from Greenwich, running thence west along said first standard parallel north to the northwest corner of township four north, range fifteen west; thence south on the range line between ranges fifteen and sixteen west to the southwest corner of township one north, range fifteen west;

thence west on the Indian base line to the center of the main channel of the North Fork of the Red River; thence down said North Fork of Red River, following the center line of the main channel thereof, to the center of the main channel of the Red River; thence down said Red River, following the center line of the main channel thereof to the ninety-eighth degree of longitude west from Greenwich; thence north along said ninety-eighth degree of west longitude to the place of beginning.

The boundaries of the third county, hereby named Kiowa County:

Beginning at the southeast corner of township five north, range fourteen west; running thence west on the first standard parallel north to the northeast corner of township four north, range sixteen west; thence south on the range line between ranges fifteen and sixteen west to the Indian base line; thence west on said Indian base line to its intersection with the center of the main channel of the North Fork of the Red River; thence up said North Fork of Red River, following the center line of the main channel thereof to its intersection with the township line between townships seven and eight north; thence east on said township line to its intersection with the center of the main channel of the Washita River; thence down said Washita River, following the center line of the main channel thereof, to the range line between ranges thirteen and fourteen west; thence south on said range line between ranges thirteen and fourteen west to the place of beginning.

In conformity with the provisions of said act of March 3, 1901 (supra), that any part of said lands may be attached to any adjoining county in said Territory, I have attached certain portions of said lands to the

counties of Roger Mills, Washita, and Canadian, which necessitated a change in the boundaries of said counties, so that they now read as follows:

ROGER MILLS COUNTY.

Beginning at the southeast corner of township eight north, range twenty-one west; thence west on the township line between townships seven and eight north to its intersection with the center of the main channel of the North Fork of the Red River; thence up said North Fork of Red River, following the center line of the main channel thereof, to the one hundredth degree of longitude west from Greenwich; thence north on said one hundredth degree of west longitude to its intersection with the township line between townships fourteen and fifteen north; thence east on said township line between townships fourteen and fifteen north to the northeast corner of township fourteen north, range twenty-one west; thence south on the range line between ranges twenty and twenty-one west, with its offsets, to the place of beginning.

WASHITA COUNTY.

Beginning at the northwest corner of township eleven north, range twenty west; thence south on the line between ranges twenty and twenty-one west to the southwest corner of township eight north, range twenty west; thence east on the township line between townships seven and eight north to the center of the main channel of the Washita River; thence down said Washita River, following the center line of the main channel thereof, to the range line between ranges thirteen and fourteen west; thence north, following the line between ranges thirteen and fourteen west, to the

northeast corner of township eleven north, range fourteen west; thence west on the line between townships eleven and twelve north to the place of beginning.

CANADIAN COUNTY.

Beginning at the northwest corner of township fourteen north, range ten west; thence south on the range line between ranges ten and eleven west to the third standard parallel north; thence west on said third standard parallel north to the center of the main channel of the Canadian River; thence down said Canadian River, following the center line of the main channel thereof, to the range line between ranges ten and eleven west; thence south on said range line between ranges ten and eleven west to the corner common to townships ten and eleven north, ranges ten and eleven west; thence east on the township line between townships ten and eleven north to the center of the main channel of the Canadian River; thence down said Canadian River, following the center line of the main channel thereof, to its intersection with the range line between ranges four and five west; thence north on said range line between ranges four and five west to the northeast corner of township fourteen north, range five west; thence west on the township line between townships fourteen and fifteen north, to the place of beginning.

The county seat of Caddo County is hereby named Anadarko, and is located upon the following-described tract of land, containing 320 acres: The SE. $\frac{1}{4}$, the E. $\frac{1}{2}$ of the SW. $\frac{1}{4}$, the SW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$, the E. $\frac{1}{2}$ of the NW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of sec. 15, and the E. $\frac{1}{2}$ of the SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of sec. 16, township 7 north, range 10 west, Indian meridian.

The county seat of Comanche County is hereby named Lawton, and is located upon the following-described tract of land, containing 320 acres: The N. ½ of sec. 31, township 2 north, range 11 west.

The county seat of Kiowa County is hereby named Hobart, and is located upon the following-described tract of land, containing 320 acres: The W. ½ of sec. 3, township 6 north, range 18 west.

ETHAN ALLEN HITCHCOCK,
Secretary of the Interior.

(WICHITA FOREST RESERVE.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section twenty-four of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber-culture laws, and for other purposes," "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof;"

And whereas the public lands in the Territory of Oklahoma, within the limits hereinafter described, are in part covered with timber, and it appears that the

public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the Territory of Oklahoma, and particularly described as follows, to wit:

Beginning at the southeast corner of township three (3) north, range fourteen (14) west, Indian meridian, Territory of Oklahoma; thence north along the township line to the northeast corner of section twenty-four (24), township three (3) north, range fourteen (14) west; thence east on the section line to the southeast corner of section thirteen (13), township three (3) north, range thirteen (13) west; thence north along the range line between ranges twelve (12) and thirteen (13) west to the northeast corner of the southeast quarter of section twelve (12), township three (3) north, range thirteen (13) west; thence west to the southwest corner of the northwest quarter of section twelve (12), township (3) north, range thirteen (13) west; thence north to the southwest corner of section one (1), township three (3) north, range thirteen (13) west; thence west along the section line between sections two (2) and eleven (11) to the southwest corner of section two (2), township three (3) north, range thirteen (13) west; thence north along the section line between sections two (2) and three (3) to the southeast corner of the northeast quarter of section three (3), township three (3) north, range thirteen (13) west; thence west along the

center line of sections three (3), four (4), five (5), and six (6) to the southwest corner of the northwest quarter of section six (6), township three (3) north, range thirteen (13) west; thence north along the range line between ranges thirteen (13) and fourteen (14) west to the northeast corner of section one (1), township three (3) north, range fourteen (14) west; thence west along the township line between townships three (3) and four (4) north to the northwest corner of section two (2), township three (3) north, range fourteen (14) west; thence north to the northeast corner of section thirty-four (34), township four (4) north, range fourteen (14) west; thence west to the northwest corner of section thirty-four (34), township four (4) north, range fourteen (14) west; thence north to the northeast corner of the southeast quarter of section twenty-one (21), township four (4) north, range fourteen (14) west; thence west to the southwest corner of the northwest quarter of section twenty (20), township four (4) north, range fourteen (14) west; thence north to the northeast corner of section eighteen (18), township four (4) north, range fourteen (14) west; thence west to the northwest corner of section seventeen (17), township four (4) north, range fifteen (15) west; thence south to the southwest corner of section twenty-nine (29), township four (4) north, range fifteen (15) west; thence east to the southeast corner of section twenty-nine (29), township four (4) north, range fifteen (15) west; thence south to the southwest corner of section thirty-three (33), township four (4) north, range fifteen (15) west; thence east to the southeast corner of said section thirty-three (33), township four (4) north, range fifteen (15) west; thence south to the southwest corner of the northwest quarter of section ten

(10), township three (3) north, range fifteen (15) west; thence east to the southeast corner of the northeast quarter of said section ten; thence south to the southwest corner of section twenty-six (26), township three (3) north, range fifteen (15) west; thence east to the southeast corner of said section twenty-six (26); thence south to the southwest corner of the northwest quarter of section thirty-six (36), township three (3) north, range fifteen (15) west; thence east to the center of section thirty-three (33), township three (3) north, range fourteen (14) west; thence south to the southwest corner of the southeast quarter of said section thirty-three (33); thence east along the township line between townships two (2) and three (3) north to the southeast corner of township three (3) north, range fourteen (14) west, the place of beginning.

Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation.

The reservation hereby established shall be known as the Wichita Forest Reserve.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourth day of July, in the year of our Lord one thousand nine hundred and one and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.] WILLIAM MCKINLEY.

By the President:

DAVID J. HILL,

Acting Secretary of State.

(31 Stat., 672, 676.)

CHAP. 813.—AN ACT To ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

* * * * *

SEC. 6. Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the sixth day of October, eighteen hundred and ninety-two, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the twenty-first day of October, eighteen hundred and ninety-two, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

"Subject to the allotment of land in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the setting apart as grazing lands for said Indians four hundred and eighty thousand acres of land as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and

interest of every kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the North Fork of Red River, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said North Fork of Red River; thence down said North Fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north on said meridian line to the place of beginning.

"ARTICLE II.

"Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of eighteen (18) years shall have the right to select for himself or herself one hundred and sixty (160) acres of land, to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribe of Indians, shall have the right to select a like amount of land for each of his or her

children under the age of eighteen (18) years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen (18) years.

"ARTICLE III.

"That in addition to the allotment of lands to said Indians as provided for in this agreement, the Secretary of the Interior shall set aside for the use in common for said Indian tribes four hundred and eighty thousand acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses, or in sections sixteen (16) and thirty-six (36), in each Congressional township; except in cases where any Comanche, Kiowa, or Apache Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen (16) and thirty-six (36), such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

"It is further agreed that said sections sixteen (16) and thirty-six (36) in each Congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the lands so occupied may be allotted and confirmed to such society or organization, not, however, to exceed one hundred and sixty (160) acres of land to any one society or organization, so long as the same shall be so occupied and used; and such land shall not be subject to homestead entry.

"ARTICLE IV.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty (30) days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

"ARTICLE V.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of

twenty-five (25) years, in the time and manner and to the extent provided for in the act of Congress entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

"And at the expiration of the said period of twenty-five (25) years the titles thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

"ARTICLE VI.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to the lands as aforesaid, the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory the sum of two million ($2,000,000) dollars, as follows: Five hundred thousand ($500,000) dollars to be distributed per capita to the members of said tribes at such times and in such manner as the Secretary of the Interior shall deem to be for the best interests of said Indians, which sum is hereby appropriated out of any funds in the Treasury not otherwise appropriated; and any part of the same remaining unpaid shall draw interest at the rate of five per centum while remaining in the Treasury, which interest shall be paid to the Indians annually per capita; and the remaining one million five hundred thousand ($1,500,000) dollars to be retained in the Treasury of the United States, placed to the credit of said Indians, and while so retained to draw interest at the rate of

five per centum per annum, to be paid to the said Indians per capita annually.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties.

"ARTICLE VIII.

"It is further agreed that wherever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department, taken an allotment, such allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

"It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made.

"ARTICLE X.

"It is further agreed that the following-named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Keoh-tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bentz, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmit Cox, and Horace P. Jones, shall each be entitled to all the benefits of

land and money conferred by this agreement, the same as if members by blood of one of said tribes, and that Emsy S. Smith, David Grantham, Zonee Adams, John T. Hill, and J. J. Methvin, friends of said Indians, who have rendered to said Indians valuable services, shall each be entitled to all the benefits, in land only, conferred under this agreement, the same as if members of said tribes.

"ARTICLE XI.

"This agreement shall be effective only when ratified by the Congress of the United States."

Said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands provided for in said treaty among said Indians to be made by any Indian inspector or special agent.

That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within ninety days from the passage of this act, subject to the exceptions contained in article four of said treaty: *Provided*, That the time for making allotments shall in no event be extended beyond six months from the passage of this act.

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And*

provided further, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

That sections sixteen and thirty-six, thirteen and thirty-three, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections sixteen and thirty-six for the use of the common schools, and sections thirteen and thirty-three for university, agricultural colleges, normal schools, and

public buildings of the Territory and future State of Oklahoma; and in case either of said sections, or parts thereof, is lost to said Territory by reason of allotment under this act or otherwise the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss.

That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act; and the mineral laws of the United States are hereby extended over said lands.

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render a judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on

behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right to appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or should they dismiss said suit, and the same shall not be reinstated, their claim shall be forever barred: *And provided further*, That in the event it shall be adjudged in the final judgment or decree rendered in said action that said Choctaw and Chickasaw nations have any right, title, or interest in or to said lands for which they should be compensated by the United States, then said sum of one million five hundred thousand ($1,500,000) dollars shall be subject to such legislation as Congress may deem proper.

Approved, June 6, 1900.

(31 Stat., 727.)

CHAP. 8.—AN ACT making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

* * * * *

For completing the allotments provided for in the agreement with the Comanche, Kiowa, and Apache Indians in Oklahoma, ratified by act approved June sixth, nineteen hundred, including the necessary resurveys, seventy-five thousand dollars, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is hereby authorized, in his discretion, to contract with responsible parties for retracing the lines and reestablishing the monuments found necessary in making said allotments; and he is hereby authorized to extend the time for making said allotments and opening of the land to settlement for a period not exceeding eight months from the sixth day of December, nineteen hundred: *Provided further*, That the Secretary of the Interior may temporarily employ such persons as may be necessary to make such allotments.

* * * * *

Approved, January 4, 1901.

(31 Stat., 1093, 1094.)

CHAP. 846.—AN ACT To supplement existing laws relating to the disposition of lands, and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. That before the time for opening to settlement or entry of any of the lands in the Territory of Oklahoma, respectively ceded to the United States by the Wichita and affiliated bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians,

under agreements respectively ratified by the acts of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred, it shall be the duty of the Secretary of the Interior to subdivide the same into such number of counties as will, for the time being, best subserve the public interests, and to designate the place for the county seat of each county, and to set aside and reserve at such county seat, for disposition as herein provided, three hundred and twenty acres of land: *Provided*, That the Secretary of the Interior may attach any part of said lands to any adjoining county in said Territory.

The lands to be opened to settlement and entry under the acts of Congress ratifying said agreements, respectively, shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled thereto under the acts ratifying said agreements, respectively; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior, into appropriate lots, blocks, streets, alleys, and sites for parks or public buildings, so as to make a town site thereof: *Provided*, That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auc-

tion to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto. The receipts from the sale of these lots in the respective county seats shall, after deducting the expenses incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner: A court-house shall be erected therewith at such county seat at a cost of not exceeding ten thousand dollars, and the residue shall be applied to the construction of bridges, roads, and such other public improvements as the Secretary of the Interior shall deem appropriate, including the payment of all expenses actually necessary to the maintenance of the county government until the time for collecting county taxes in the calendar year next succeeding the time of the opening. No indebtedness of any character shall be contracted or incurred by any of said counties prior to the time for collecting county taxes in the calendar year next succeeding the opening, excepting where the same shall have been authorized by the Secretary of the Interior.

SEC. 2. The governor of the Territory shall appoint and commission for each county all county and township officers made necessary by the laws of the Territory of Oklahoma, who shall hold their respective offices until the officers elected by the people at the general election next following the opening shall have qualified.

SEC. 3. The President is hereby authorized to establish two additional United States land districts and land officers in the Territory of Oklahoma, which districts shall include the lands so ceded by the Wichita and affiliated bands of Indians; one of the land offices

shall be located at El Reno, in the county of Canadian, and the other shall be located at the county seat nearest Fort Sill. These land districts shall be respectively established at the time of proclaiming the lands aforesaid open to settlement and entry.

Approved, March 3, 1901.

(32 Stat., 63.)

AN ACT providing for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of section twenty-two of the act approved May second, eighteen hundred and ninety, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," providing for the commutation for town-site purposes of homestead entries in certain instances, be, and the same is hereby, made applicable to the lands in the Territory of Oklahoma ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians, under agreements respectively ratified by the acts of Congress of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred.

Approved, March 11, 1902.

(32 Stat., 506.)

AN ACT to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, and so forth," approved March third, nineteen hundred and one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act of Congress approved March

third, nineteen hundred and one, entitled "An act to supplement existing laws relating to the disposition of lands, and so forth," be amended by adding thereto the following:

"*Provided further*, That the Secretary of the Interior be, and he is hereby, authorized, out of the proceeds of the sales of town lots in the towns of Lawton, Comanche County, Anadarko, Caddo County, and Hobart, Kiowa County, in the Territory of Oklahoma, heretofore had pursuant to the authority of the act aforesaid, to cause to be expended, subject to his control and supervision and upon the recommendation of the legally constituted authorities of each of said towns, for the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable and advantageous to the inhabitants of said towns, the following additional sums, to wit: For the town of Lawton, one hundred and fifty thousand dollars; for the town of Anadarko, sixty thousand dollars, and for the town of Hobart, fifty thousand dollars: *Provided further*, That the sum of ten thousand dollars, as provided in the act whereof this is amendatory, for the construction of a county court-house in each of the towns aforesaid, shall be, and hereby is, increased to the sum of thirty thousand dollars each for the construction of such county court-houses in each town."

Approved, June 30, 1902.

REPORT OF W. A. RICHARDS, ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE, RESPECTING OPENING OF KIOWA, ETC., LANDS IN OKLAHOMA.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 9, 1901.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit the following report respecting the opening to settlement and entry of the Kiowa, Comanche and Apache, and Wichita lands situated in the Territory of Oklahoma, ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900.

Acting under instructions dated May 13, 1901, I subdivided the territory embraced in the above named lands into three counties, after having first attached to some of the surrounding counties small portions of the lands more properly belonging to those counties.

The county embracing the lands to the northeast was named Caddo County; the one embracing the lands to the northwest was named Kiowa County, while the one embracing the lands to the south was named Comanche County.

Sites were also selected for the county seats of these new counties, that for Caddo County being in the immediate vicinity of Anadarko station on the Chicago, Rock Island and Pacific Railroad, which was named Anadarko; that for Kiowa County being near the station of Kiowa on the above-named railroad and named Hobart, while the site for the county seat of Comanche

County was located 5 miles south of Fort Sill and named Lawton. These town sites each embraced 320 acres and were surveyed into blocks, lots, streets, and alleys. The surveys of these town sites were made by examiners of surveys detailed from the General Land Office for that purpose.

The location of the boundaries of the three new counties and of the town sites for their respective county seats was completed upon June 11, 1901, and a detailed report of my action in connection therewith was submitted and approved.

The expenses incident to the surveying, subdividing, and platting of the town sites, reimbursable to the Government from the sale of lots by the act of March 3, 1901, were $5,284 24, as set forth in the itemized statement herewith submitted.

REGISTRATION.

In accordance with your letter of June 29, 1901, under which I was instructed to take charge of the prospective opening of the Kiowa, Comanche and Apache, and the Wichita reservations, I proceeded to Elreno, Okla., arriving at 2 o'clock a. m. of July 10, the day upon which registration was to begin.

Under date of July 4, 1901, the Commissioner of the General Land Office, by direction of the President, established two new land districts in Oklahoma—the Elreno land district, which includes the Wichita Reservation and the northern portion of the Kiowa Reservation, with the land office at Elreno, and the Lawton land district, which includes the remaining portion of the Kiowa and the Comanche and Apache reservations, with the land office at Lawton.

By the proclamation of the President of July 4, 1901,

Elreno and Lawton were designated as places of registration, it being provided that the registration at each office should be for both land districts, but that at the time of registration each applicant should be required to elect and state in which district he desired to make entry. It was calculated that under this plan three-fourths of those desiring to make entry would register at Elreno and one-fourth at Lawton, which estimate proved to be practically correct. Thirty-three clerks were detailed from the General Land Office to make the registration, 8 of whom went to Lawton and 25 to Elreno.

The proclamation also provided that the office at Lawton should occupy provisional quarters in the immediate vicinity of Fort Sill until suitable quarters could be provided at Lawton. Under authority obtained from the honorable Secretary of War, the registration for the Lawton district was made at Fort Sill, where a commodious building was furnished for the use of the clerks. The registration at this point was very greatly facilitated by the efficient service rendered by the commanding officer, Maj. G. L. Scott, and the officers and men under his command. A very large proportion of those who registered at Fort Sill came there in wagons and went into camp in the valley of Cache Creek, upon the military reservation. During a portion of the period of registration this camp contained more than 10,000 people. Good order prevailed both in the camp and at the registration booth, which speaks well for the efficiency of those in charge of the registration, the military, and the people themselves.

The registration at this place proceeded in a perfectly orderly manner throughout the entire period, and was

concluded at 6 p. m. of July 26 with a total registration of 29,000, and no qualified applicant was left unregistered at the close of business. Upon the conclusion of the registration the clerks in charge were transported to the railroad station, 30 miles distant, in Government ambulances kindly furnished by Major Scott, and at 5 o'clock a. m. of July 27 reported for duty to me at Elreno.

The clerks who were to make the registration at Elreno reached that place at 2 a. m. of July 10, and at 9 a. m. of that day began the registration at six booths, which had been previously secured and furnished. Four clerks were placed in each booth, to work under the direction of one of their number designated as chief.

Upon the opening of the booths several thousand people were in line before them, some of them having been there more than twenty-four hours. There being a great many women in the lines, I proceeded to secure and furnish a booth to be used exclusively by women, and opened the same at 1 o'clock p. m. of July 10, with two land-office clerks and two clerks temporarily employed, the places of these two clerks in their respective booths being filled by hiring two additional temporary clerks.

The establishment of this booth was heartily indorsed and highly appreciated by the women, of whom about 8,000 were registered there. As they were not prohibited from registering at the other booths, it is estimated that about 2,000 were so registered, making an estimated total of 10,000 women who were registered at Elreno.

Upon July 10, the first day of registration, 4,018 people were registered, which was very satisfactory, all things being considered.

As it was necessary that applications for registration should be sworn to before being presented to the registering clerks, notaries public, clerks of courts, justices of the peace, and others authorized to administer oaths engaged in the business of preparing such papers, at first exorbitant charges were made for such services. To correct this practice I refused to furnish blanks to any officer who would not agree to charge but 25 cents for his services in each case, which resulted in fixing that amount as the general charge. At Fort Sill, where on account of the military supervision the matter could be more easily controlled, the charge was fixed at 10 cents.

Upon July 13, through an accident to the pumping machinery at the waterworks, water was shut off from the mains supplying Elreno with water. The weather was very hot, and there were not less than 15,000 transient people in the city, making the situation one of great seriousness. Unless it could have been remedied at once it would have been necessary to have transferred the registration to some place where there would have been sufficient water. In conference with the city officials, this fact was impressed upon them and it was urged that immediate steps be taken to repair the waterworks. It was also suggested as a means of temporary relief that casks, with drinking cups attached, be placed at convenient places upon the streets and kept filled with water obtained from wells, with a cake of ice in each cask. These suggestions were acted upon without delay, the waterworks were speedily repaired, and the public drinking places provided and found to be so useful that they were maintained during the entire period of registration.

In this connection I take pleasure in stating that

during the registration and the drawing which followed it the people of Elreno put forth every exertion to provide for the comfort and convenience of the strangers who visited their city. There was no raise in the prices of any of the commodities or accommodations necessary to their comfort, and while for thirty days the city contained more than ten times its normal population, there were no hardships nor suffering, but all were well cared for and made comfortable at very reasonable expense.

The registration progressed in an orderly manner, but on account of the applicants being largely in excess of the number which had been expected it became necessary to employ additional assistance. Booth No. 1 was so situated that a greater number of people applied for registration there than at any other point, and the largest number of clerks employed in one place were in this booth. It was used as a training school from which clerks could be taken as needed for use in other booths. By keeping fully informed of the movement of trains upon the railroads entering Elreno I was enabled to so arrange the clerks as to be continually prepared to speedily register the great numbers of people who arrived daily. After the second day no unregistered people were left in front of the booths when they were closed for the night. The time appointed for the opening of the booths was 8 o'clock a. m., but they were frequently opened earlier by the voluntary action of the clerks. The hours of closing were regulated by the number of people who arrived during the day, but 5 o'clock p. m. was the general hour for closing.

Upon Wednesday, July 24, the reports from the railroads and the numbers of people present indicated

that the registration would be unusually large, for which we were fully prepared. Between the hours of 8 a. m. and 12 o'clock noon 11,556 people were registered. As eight heavily loaded trains were due to arrive between 4 and 6 p. m., it was arranged that the booths should be kept open until 8 o'clock or until everybody who so desired had been registered. We were disappointed by the railroads, however, and only two of the trains arrived before 8 o'clock, the total registration for the day being something in excess of 16,000.

Registration was effected by the applicant presenting a sworn statement of his qualifications and his desire to be registered, which was received and filed. A small blank was then filled out with a description of the applicant, the name of the land district in which he desired to make homestead entry, and his post-office address, which he signed, after which he was given a certificate of registration.

Upon July 11 a force of clerks was engaged and, in charge of an experienced clerk, were employed in separating by districts and arranging in alphabetical order the applications and identification cards received at the booths on the preceding day. After having been placed in order, each identification card was compared with its corresponding application, and by this means any errors which might have occurred in the registration were corrected. At the same time a typewritten list was made for each district, embracing the names of those registered for that district, each day's work alphabetically arranged.

The applications, identification cards, and lists for each district were subsequently placed in the respective land offices and afford a means of detecting any frauds

which may have been attempted through double registration or the attempt to impersonate another person in making an entry.

After the first week of registration the applications of soldiers to register by agent became so numerous and so impeded the registration of others that it became necessary to organize a separate booth for the registration of soldiers by soldiers' agents, which booth was placed in charge of an efficient clerk and in which were located the register and receiver of the El Reno office, who rendered faithful and efficient service.

It is believed that the fact that all soldiers' agents were required to register at one booth prevented some designing men from attempting to act as agent for more than one soldier, which they might have done successfully if allowed to register at any of the other booths.

Upon Friday, July 26, registration was closed in every booth simultaneously at 6 o'clock p. m., the chief of each booth having set his watch by city observatory time, in addition to which the city fire bell was struck at that hour. At the time of closing there was no unregistered person in front of any booth in the city.

The total registration at Elreno was 135,416. Upon the first day of the registration there was considerable disorder at several of the booths at this place, the people appearing to have an idea that it was necessary for them to secure and hold their positions in line by force and to take every means to guard their own interests. In a very short time they appeared to become satisfied that they were to receive fair treatment; that there would be no favoritism, and that the entire matter was to be honestly managed, after which there was absolutely no disturbance of any kind in connec-

tion with the registration. In fact, there was very little disorder of any character in the city at any time, notwithstanding its overcrowded condition.

Upon the conclusion of the registration, all of the land-office clerks were immediately employed in placing the identification cards in proper envelopes and sealing the same, which had been delayed until this time by the fact that it was impossible to obtain the envelopes in time to place the cards in them when the registration was made.

I consider that it was an advantage to those who registered that the cards should not have been placed in the envelopes at the same time that the registration was made, as by the delay an opportunity was afforded to compare each identification card with the sworn application, thus affording a complete check upon the registration and a means of correcting any errors that might have been made in the rush of work.

The identification cards were carefully guarded during the day, at the time of registration, by being placed in locked cash boxes through a slit cut for that purpose, no one but myself having a key to any of these boxes. At night these cards were placed in the vault of the Citizens' State Bank, of Elreno, and were taken out only upon my order.

No one but land-office clerks were employed in placing these cards in the envelopes, which was completed about 4 o'clock of Sunday, July 28, this being the only Sunday upon which we found it necessary to work.

THE DRAWING.

By your letter of July 20, 1901, Hon. David P. Dyer, of Missouri, Hon. Frank Dale, of Oklahoma, and myself were appointed a committee to have the supervision

of the drawing to determine the order in which registered applicants would be permitted to make entry in conformity with the President's proclamation of July 4, 1901, of which committee I was appointed chairman.

This committee first met at Elreno on the evening of the 25th day of July, and readily agreed upon the plan by which the drawing should be conducted. In pursuance thereof a platform 32 feet square was erected in one of the streets of the city, fronting the high-school grounds, which rose gradually from the platform, affording ample space for those desiring to witness the drawing. A canvas roof covered the platform and canvas curtains were provided with which to inclose its sides in case of a storm.

Two boxes were constructed in which were to be placed the envelopes containing the names of those who had been registered. Each of these boxes was 10 feet long, 2½ feet deep, and 2½ feet wide, with an iron rod running the entire length through the middle of each box, securely fastened. Iron bolts were placed in either end of the boxes and served as pivots upon which the boxes could be revolved. On one side of each box there were three openings about 2 feet apart for the purpose of receiving the envelopes. On another side of each box there were five holes, each separately numbered, large enough to admit the hand and arm of a person, and through which the envelopes were to be drawn. These holes were covered with slides, except when opened for the purpose of withdrawing an envelope.

On the morning of the 29th of July, at the hour designated in the President's proclamation for the drawing, these boxes were taken upon the platform and placed upon trestles upon which they could be

revolved. The envelopes containing the names of all who had been registered were also brought upon the platform. These envelopes had been separated according to the respective land districts, were of two colors, one being buff and the other white, and bore no distinguishing mark other than the name "Elreno" on those for one district and "Lawton" on those for the other. The envelopes were in pasteboard boxes, each of which contained 400 envelopes, and the boxes for each district were consecutively numbered. Small cards had been prepared bearing numbers corresponding to the numbers upon the envelope boxes, which cards were placed in a receptacle from which they were drawn at random, and the envelope boxes taken in the order in which the cards were drawn and their contents placed in the larger boxes, a portion of each box through each of the three larger openings, and well scattered throughout the entire length of the box.

When all of the envelopes had been thus placed, these openings in the drawing boxes were closed and securely sealed, and the boxes revolved until the envelopes were thoroughly mixed. Ten reputable young men had been selected, all of whom were under age, and therefore not registered and in no wise interested in the drawing, to draw the envelopes from the boxes. These young men were assigned to the holes in these boxes by lot, and it was also determined by lot which one should begin the drawing at each box. The young man at the hole numbered 3 drew the number entitling him to take the first envelope from the Elreno box, and the young man at the hole numbered 4 drew the number entitling him to take the first envelope from the Lawton box, the drawing thereafter to continue in numerical order.

The drawing began with the Elreno box by the young man at hole numbered 3 drawing an envelope, which he handed to Mr. Dale, of the committee, who caused the same to be numbered 1. He then opened the envelope and took therefrom the identification card and caused the same number to be placed upon it, and then handed the card to Mr. Richards, of the committee, who inspected the same and in turn handed it to Mr. Dyer, of the committee, who announced the name and description of the person to the people. This course was followed until 25 envelopes had been drawn from the Elreno box, after which the box was closed and 25 envelopes were drawn from the Lawton box in the same order and disposed of in the same manner, after which this box was closed and both boxes securely sealed and adjournment taken until 2 o'clock p. m.

Great interest was shown by the people in this part of the drawing, and it was estimated that there were not less than 30,000 present to witness it. The location of the stand and the elevation of the grounds surrounding it were such as to enable all to have a fair view of the proceedings. There was no disorder of any kind, and the announcement of the names drawn was received with great applause.

In the afternoon of this day the drawing was continued until 500 names had been drawn from each box, the same order observed in the drawing of the morning being followed, except that instead of the announcement being made from the platform, typewritten lists were prepared, which were taken out into the midst of the audience and read, and then posted upon bulletin boards which had been provided for that purpose.

Provision had been made upon the stand for the accommodation of newspaper reporters, of whom a

large number were in attendance, and to whom manifold copies of these typewritten lists were furnished and by them supplied to their respective newspapers. All of the daily papers of Oklahoma and many of those of the States of Kansas, Missouri, and Texas published complete lists of the names and numbers of the first 6,500 drawn for each land district, thus affording notification to those interested.

While the drawing of names was in progress a force of land-office clerks was engaged in preparing postal-card notices to those whose names had been drawn, which were placed in the post-office upon the evening of that day. This course was followed during the entire drawing of the 6,500 names from each land district, the postal cards being mailed on the same day upon which the names were drawn.

At the close of the first day's drawing the boxes were sealed up and left in charge of some of the land-office clerks and a guard of deputy United States marshals, which course was pursued during the entire period of the drawing.

The drawing was continued upon the platform at the rate of 2,000 per day for each land district until the total of 6,500 envelopes had been drawn for each district, which covered a period of four days. The drawing of this number might have been concluded in a shorter space of time, but it was not deemed advisable, as the number drawn per day was as large as the newspapers could conveniently handle. As it was estimated that there was only a sufficient amount of land in each land district to supply 6,500 entrymen, only that number in each district were notified to appear at the respective land offices upon stated days.

Upon the conclusion of the drawing of these 6,500

names for each land district the boxes were removed to a building where the drawing could be more expeditiously conducted and where it was continued in the same manner, each envelope and identification card being given corresponding numbers. The drawing continued until the afternoon of the 6th of August, when the whole number of envelopes deposited in the two boxes had been separately drawn and numbered.

The postal-card notices for all of the 6,500 names drawn for each land district were mailed by land-office clerks, who exercised great care in this work in order that each one might be properly notified. Upon the conclusion of the mailing of these essential notices a force of clerks were employed, who were nearly all residents of Elreno, and placed in charge of a competent land-office clerk, who proceeded to mail notice of the number drawn by each of the remaining ones in each of the land districts. This was done in accordance with the requirements of the President's proclamation, and was a wise provision, as by it each applicant had the satisfaction of knowing that his name had been placed in the box of the district in which he desired to enter and had been drawn in its order.

The commission duly certified to the land officers at Elreno and Lawton the lists of 6,500 names for each land district drawn from the box, showing the order in which those whose names were drawn might make their homestead entries.

While the greatest interest was shown by the people in the first day's drawing, and a larger number were present that day than upon any subsequent day, a very large number of people remained at Elreno until the conclusion of the drawing of 6,500 names in each district. There was the same good order which had

prevailed throughout the entire period of registration. No dissatisfaction was at any time expressed as to the plan of the drawing or the manner in which it was conducted, but, upon the contrary, both were very generally commended. Even those who met with disappointment in the drawing of numbers had no criticism to offer, but expressed themselves as satisfied that they had been treated with absolute fairness.

SALE OF TOWN SITES.

By your letter of July 19, 1901, I was instructed to take charge of and superintend, subject to the provisions of the act of March 3, 1901, and the regulations contained in said letter, the offering and sale of the town lots in the county-seat town sites of Lawton, Anadarko, and Hobart, in the respective and duly formed counties of Comanche, Caddo, and Kiowa, which instructions were supplemented by your telegram of July 26, 1901, relating to the appointment of commissioners.

Acting under these instructions, I appointed J. R. Hampton as commissioner for the sale of the town site of Lawton, C. F. Nesler as commissioner for the sale of the town site of Anadarko, and E. P. Holcombe as commissioner for the sale of the town site of Hobart, and designated the auctioneers and clerks who were to assist them. These commissioners gave the required bonds, which were approved by the Department, entered upon their duties, and began the sale of the town lots promptly at 9 o'clock of August 6 in each of the three town sites. The sales were continued from day to day without any special incidents worthy of note. There was no occasion to suspend the sales and no evidence of any combination among the bidders to suppress competition or prevent the sale of lots at a

reasonable value, nor was there any disturbance among the bidders or those present which prevented the orderly progress of the sale. All lots purchased were immediately paid for in cash, and the money received therefor was transmitted by each commissioner, without delay, to the subtreasury at St. Louis. Every precaution was taken for the safe-keeping of the money while in the possession of the commissioners. The greatest precaution taken to protect the money received from these sales was at Lawton.

When the sales began at this place, on the 6th of August, the nearest railroad station was Rush Springs, Ind. T., a distance of 30 miles, the road from Lawton to which place ran through an unsettled country. A military escort of 10 cavalrymen, in command of a sergeant, was provided by Major Scott, the commanding officer at Fort Sill; and as it was necessary to make this trip of 30 miles six times a week, it required two details upon the road all the time. Subsequently the Chicago, Rock Island and Pacific Railroad was completed to a point 12 miles north of Fort Sill, at which point an express office was established, after which the funds were taken to that point, and at the conclusion of the sale the road had been completed to Fort Sill.

A guard of cavalrymen was also furnished each day for the protection of the money during the sale and during its transmission from Lawton to Fort Sill, where it was necessary that it should be kept over night, which was also done under guard. The money paid for town lots at Lawton was under a military guard from the time it was paid to the commissioner until it was delivered to the express company. The same was true of the money received from the sale of lots at Anadarko,

a detachment of cavalry being stationed at that place for the purpose of guarding the receipts of the sale of that town site.

There were no troops stationed at Hobart, the protection of the funds received there being provided by deputy United States marshals. The deputies furnished by the United States marshal also rendered very efficient services at Anadarko and Lawton, in conjunction with the military guard. There was no loss of funds of any kind at either of these town sites.

The sales progressed without interruption, every lot in each of the town sites being sold and paid for and the sales concluded within the time prescribed by your instructions. The receipts from the sales of these town sites were as follows:

Town site.	Number of lots.	Total receipts.
Lawton	1,422	$414,845
Anadarko	1,129	188,455
Hobart	1,308	132,733

making the total receipts from the sale of the three town sites $736,033.

The expenses incurred in making the sales of these town sites are as follows:

Lawton	$2,489.62
Anadarko	1,544.53
Hobart	1,797.00
Total	5,831.15

which is a little less than four-fifths of 1 per cent of the total receipts.

Under the authority of your telegram of August 3, 1901, these expenses, which included the pay of the

commissioners, were paid from the receipts of the respective sales, and the net receipts only were deposited in the subtreasury at St. Louis to your credit as trustee for the respective town sites. These amounts so deposited are, respectively, as follows:

Lawton:		
Total receipts	$414,845.00	
Total expenses	2,489.62	
Amount deposited		$412,355.38
Anadarko:		
Total receipts	188,455.00	
Total expenses	1,544.53	
Amount deposited		186,910.47
Hobart:		
Total receipts	132,733.00	
Total expenses	1,797.00	
Amount deposited		130,936.00
Total amount deposited		730,201.85

It is provided in the act of March 3, 1901, that—

> the receipts from the sale of these lots in the respective county seats shall, after deducting the expense incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner, etc.

A statement has heretofore been submitted of the expenses incident to the surveying, subdividing, and platting of the town sites of Lawton, Anadarko, and Hobart. As these town sites embrace the same number of acres, and the expenses incident to their survey were practically the same in each case, no attempt has been made to keep an account with each town site, but the

30174

expenses incident to their survey are submitted in one account, with the suggestion that in my opinion they should be divided equally between the three town sites, one-third of the gross amount to be charged to each one.

These accounts have all been audited in the General Land Office and paid from the appropriations to which they are properly chargeable.

It appears that the entire amount of expenses so incurred and paid, and which should now be deducted from the receipts of sales of said town lots on account of said expenses, and deposited to the credit of the Treasurer of the United States, is $5,284.24, one-third of which is $1,761.41, which amount it is recommended should be charged against the receipts from the sale of each town site.

If the distribution of expense of survey is made as herein suggested, the net balances to the credit of the town sites will be as follows:

Lawton:			
Gross receipts		$414,845.00	
Less expense of survey	$1,761.41		
Less expense of sale	2,489.62		
Total expense		4,251.03	
Total net receipts			$410,593.97
Anadarko:			
Gross receipts		188,455.00	
Less expense of survey	$1,761.41		
Less expense of sale	1,544.53		
Total expense		3,305.94	
Total net receipts			185,149.06

Hobart:

Gross receipts		$132,733.00
Less expense of survey	$1,761.41	
Less expense of sale	1,797.00	
Total expense		3,558.41
Total net receipts		129,174.59
Total net receipts from sale of three town sites		724,917.62

Great credit is due to the commissioners and those associated with them for the successful manner in which the sales of these town sites were conducted. At the beginning of the sales there were no buildings upon either of the town sites which could be used by the commissioners, and it was necessary that temporary platforms should be erected, upon which the sales were conducted. At Lawton a small building was also constructed, which was occupied by the commissioner and his clerks, while they occupied sleeping apartments and boarded at Fort Sill. At Anadarko the commissioner and his assistants obtained board and lodging at the Indian agency, adjoining the town site, while at Hobart the commissioner and his assistants lived in a tent adjoining the platform upon which the sales were made.

While the time devoted to the sale of lots was from 9 a. m. until 4 p. m., it was necessary that the commissioners and their assistants should begin work much earlier than 9 o'clock, while the making up of their accounts and reports occupied their time for several hours after the sales were closed.

At each one of the town sites it was necessary that the money received from the day's sales should be retained by the commissioner over night, as the express company would not receive it until the following day.

This necessitated a night guard upon the money, and was a constant source of care to the commissioners.

The sales were conducted to the entire satisfaction of those who participated in the purchase of lots, while the amounts received were larger than had been expected. The expenses incident to the survey and the sale were as small as the conditions under which they were made would permit, and the net receipts are sufficient to place each of the new counties upon a good financial basis.

THE ENTRIES.

In accordance with the President's proclamation, the land offices at Elreno and Lawton were duly opened for business upon the qualification of their respective registers and receivers. Prior to August 6, 1901, the business of these officers was principally confined to passing upon applications for reservations for town-site purposes, of which there were seven in the Elreno district and three in the Lawton district which finally received your approval, and to receiving the additional entries of those entrymen having entries adjoining the ceded lands of less than 160 acres. While not so employed the local land officers of these districts were engaged upon the registration in progress at Fort Sill and Elreno, in which they rendered valuable assistance. Upon August 6, at 9 o'clock a. m., these offices were opened for the receipt of entries by those holding numbers entitling them to make homestead entries. Both at Lawton and Elreno buildings suitable for land-office purposes had been erected and furnished.

In addition to the usual supply of blanks, maps, and plats, each office was provided with a map of its district, drawn upon a scale sufficiently large to distinctly show each smallest legal subdivision of land. Each of

these maps was in charge of an experienced land-office clerk and was accessible to those desiring to make entries. As soon as made each entry was marked off upon the map, and thus it constantly showed the land open to entry in that district, which was of very great assistance to the entrymen. In addition to the regular clerks allowed the local land offices, several detailed clerks from the General Land Office were on duty in each of these offices. With this force no difficulty was experienced in receiving and recording the 25 entries per day provided by the proclamation. Those holding low numbers, entitling them to make early entries, generally selected land contiguous to some one of the town sites, preference being given to those designated as county seats. Upon the land adjoining these town sites, and especially at Lawton, large numbers of people had congregated prior to the day of the opening. This unwarranted occupation was not brought to my attention until August 5. As the entries were to begin at 9 o'clock a. m. of August 6, and these occupied lands would be the first applied for, immediate action was necessary. I therefore prepared the following order to the register and receiver of the Lawton office, a copy of which was also filed in the Ehreno office:

> The occupation of the south half of section thirty-one, township two north, range eleven west, or any other portion of the unreserved lands in your district, by any person for purposes of residence, trade, or business, except after having made a legal entry of the same, is in violation of law and the President's proclamation, and gives such persons no rights whatever. You will allow homestead entries of said lands by qualified entrymen, notwithstanding any such occupation. Acknowledge receipt.

A copy of this message was filed in the telegraph office and another mailed, but as both these means of communication were very uncertain, owing to the great pressure of business, another copy was intrusted to a clerk going to Lawton by way of Rush Springs, while a fourth copy was given a clerk going to Anadarko, who placed it in the hands of an Indian courier, who left that place at midnight and made the ride of 40 miles to Lawton before 9 o'clock of August 6. The first two entries made at the Lawton office were for the half section of land mentioned in this order. Several attempts have been made to contest one of these entries upon grounds covered by this order, but all have failed.

The entries at the land offices continued without interruption throughout the prescribed period of sixty days. The numbers of those entitled to make entry each day were called in their order. Anyone failing to respond was passed until after the other applications assigned for that day had been disposed of, when he was again called, both by name and number, and if he still failed to appear he was held to have abandoned his right to make entry under the drawing.

In accordance with your telegraphic regulations of August 5, appeals from the action of the local land officers at Elreno and Lawton rejecting applications to make or amend entries could only be taken within one day, Sundays excepted, after such rejection. When such appeals were taken the papers were immediately forwarded to the General Land Office, where they were at once carefully examined and forwarded to you, with appropriate recommendation, when the cases would be promptly decided and closed.

Applications to contest entries made during this sixty-day period were treated in the same manner.

This course provided an adequate and speedy method of correcting any material errors in the local offices, and it is believed that at the same time it tended to discourage groundless appeals and contests. While there were quite a number of applications to contest entries sent up from each of the local offices, such contests were allowed and hearings ordered in but a comparatively small number of cases in each office. Hearings were ordered only in cases where it was shown beyond a reasonable doubt that the entryman was disqualified at the time of making entry, which fact he had concealed from the land officers, or in some other manner had made what might be termed a fraudulent or illegal entry.

During the entire period occupied in opening these ceded lands to settlement and entry, suits at law were in progress calculated to prevent such opening in whole or in part. Of those brought in Oklahoma, the suits in equity brought by Lone Wolf and others in the district court of Canadian County, Okla., asking that the Government be restrained from disposing of said ceded lands, were, prior to August 6, 1901, decided in favor of the Government. Subsequent to August 6 temporary restraining orders, granted by the probate judge of Canadian County, Okla., against the disposal of certain described tracts on the application of Rebecca Young and other alleged Indians were modified by the district judge of Canadian County, permitting the disposition of said lands, subject to the rights, if any, of the said alleged Indians.

Restraining orders were issued by the probate judge of Canadian County, Okla., on the application of William H. Brintle and ten other alleged settlers on the western boundary of the Wichita Reservation. The

two suits last above mentioned have not been disposed of, but the Attorney-General has directed the United States attorney for the district of Oklahoma to appear for the Government in said cases.

The suits of Lone Wolf and others did not in any wise interfere with the registration, drawing, or disposition of said lands. Those of Rebecca Young and others temporarily prevented the disposition of a small number of tracts, and those of Brintle and others affected less than a dozen claims, and were not filed until near the close of the sixty-day period.

While an itemized statement of the expenses incident to the registration, drawing, and making entries under the proclamation can not be prepared until full reports have been received from the local land officers at Lawton and Elreno, a very close estimate of the same can be made, as follows:

Salaries and per diem of W. A. Richards and 33 detailed clerks during the time engaged in registration, drawing, and making entries (estimated)	$8,271
Railroad fare and necessary traveling expenses of same from Washington, D. C., to Oklahoma and return	3,100
Incidental expenses of registration and drawing, as shown by advances made to the local officers	5,920
Salaries of registers and receivers for two months	2,000
Salaries of 10 local land-office clerks for two months	1,500
Total	20,791

In addition to other fees of which no account is now available, the land offices at Lawton and Elreno received as fees upon the 11,638 homestead entries made during the sixty-day period the sum of $162,932, which sum will be deposited in the Treasury. Deducting from this sum the amount of expenses as estimated, a balance of $142,141 is left to the credit of the Government upon this account. This is a net sum accruing to

the Government in the transaction of the business of opening these ceded lands to settlement and entry.

As showing the financial working of the plan prescribed by the proclamation, it is proper to take into account the net receipts from the sale of the three county-seat town sites, although they will be devoted to public improvements in the respective counties. The net receipts from the town-site sales were $724,917, which, added to $142,141, the net receipts of the homestead entries, makes a total of $867,058 as the net receipts from the opening of these lands up to October 4, 1901, the end of the sixty-day period fixed by the proclamation.

During the first days for making entries there were very few who failed to appear and make entry when their numbers were called. As the entries progressed, however, and good claims became more difficult to find, the proportion of those failing to appear increased. This was not entirely due to a failure to find a desirable piece of land, but partly to the fact that many holding a high number and living at a distance from the land district abandoned the idea of making an entry without visiting the district and making an effort to find an acceptable claim. A few were prevented by sickness from making entry, and several deaths were reported of those holding numbers entitling them to make entry. The entries under the proclamation were concluded at each of the land offices upon October 4, 1901.

At the Lawton office 5,895 entries were made, including soldiers' declaratory statements filed, and 605 either failed to appear or were found to be disqualified.

At the Elreno office 5,743 entries were made, in-

cluding soldiers' declaratory statements filed, and 757 either failed to appear or were found to be disqualified.

There were filed at the Lawton office 243 soldiers' declaratory statements, and 275 such filings were made at the Elreno office. There were 346 women who made entries at the Lawton office and 424 women who made entries at the Elreno office.

During the sixty days prescribed by the proclamation 11,638 filings were made, of which 518 were soldiers' declaratory statements and 770 were made by women, while 1,362 holding numbers entitling them to make entries failed to do so.

The period during which these ceded lands could only be taken in accordance with the President's proclamation ended upon October 4, and reports since received from the Lawton and Elreno land offices are to the effect that the lands remaining open to entry by reason of the failure to make entry of some who were entitled to do so are being rapidly settled upon and entered under the general homestead laws, without confusion or disorder.

In the foregoing statements I have endeavored to report everything of importance pertaining to the action taken under your direction in disposing of these ceded Indian lands in accordance with the acts of Congress pertaining thereto and the President's proclamation. It is believed that the intent and purpose of those acts and of the proclamation have been fully carried out. There has been no complaint of discrimination or unfairness, and there were but little of the hardships and suffering usually encountered in the settlement of a new country. Without strife or contention, but in a quiet, peaceful, and orderly manner, these lands have passed from the condition of an Indian

reservation to that of a populous, thrifty, peaceable agricultural community.

Very respectfully,

W. A. RICHARDS,
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, October 11, 1901.

Hon. W. A. RICHARDS,
Assistant Commissioner of the General Land Office.

DEAR SIR: I am in receipt of your report dated the 9th inst., respecting the opening to settlement and entry of the Kiowa, Comanche, Apache, and Wichita lands, situated in the Territory of Oklahoma, and ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900.

I have read your report with care and the greatest satisfaction, and beg to cordially thank you and every member of your staff for the very thorough, economical, and successful manner in which you, with their assistance, conducted and completed the somewhat unusual, extremely laborious work, and for the systematic, businesslike method in which you discharged the duties imposed upon you by the Department, you having made a record which, I trust, will be accepted as a precedent for all future openings of the public domain.

The quiet and orderly manner in which the opening was accomplished is most gratifying, especially when contrasted with the utter disregard of law and order, the outrages, and the contests which characterized the former openings on the "sooner" plan, and the spectacle of 151,000 disappointed applicants quietly retiring

30179

in favor of the 13,000 successful ones is a characteristic demonstration of the willingness of the American people to respect and obey the law when its enforcement is accomplished by such rules and regulations as to provide an absolute equality of opportunity to all, as was the case in the opening which you have conducted with so much credit as to have also secured the unqualified approval of all who were interested therein.

Again thanking you and your assistants, I remain,

Yours, most respectfully,

E. A. HITCHCOCK,

Secretary.